

Message Text

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TO AMEMBASSY OUAGADOUGOU

C O N F I D E N T I A L STATE 303306

E.O. 11652:GDS

TAGS: SHUM, MASS, UV

SUBJECT: CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE
REPORT

REF: STATE 231122

1. SECTION 502B OF THE FOREIGN ASSISTANCE ACT OF 1961 AS
AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE ACT AND
ARMS EXPORT CONTROL ACT OF 1976 STATES IN PARAGRAPH
502B(B) THAT THE "SECRETARY OF STATE SHALL TRANSMIT TO
THE CONGRESS, AS PART OF THE PRESENTATION MATERIALS FOR
SECURITY ASSISTANCE PROGRAMS PROPOSED FOR EACH YEAR, A
FULL AND COMPLETE REPORT...WITH RESPECT TO PRACTICES
REGARDING THE OBSERVANCES OF AND RESPECT FOR INTERNATION-
ALLY RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY PROPOSED
AS A RECIPIENT OF SECURITY ASSISTANCE." PARAGRAPH (D)
(2) OF SECTION 502B AS AMENDED DEFINES "SECURITY ASSIS-
TANCE" TO INCLUDE SECURITY SUPPORTING ASSISTANCE, FMS,
CERTAIN COMMERCIAL SALES, CREDITS AND OTHER PROGRAMS.
THE FULL TEXT OF THE AMENDED SECTION 502B WAS TRANSMITTED
BY THE REFTEL.

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2. AS INDICATED IN THE REFTEL, THE DEPARTMENT HAS BEEN

COLLECTING AND PREPARING INFORMATION ON THE HUMAN RIGHTS SITUATIONS IN SECURITY ASSISTANCE RECIPIENT COUNTRIES IN ANTICIPATION OF SUBMITTING IT TO CONGRESS EARLY NEXT YEAR AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD) ON SECURITY ASSISTANCE. HUMAN RIGHTS REPORTING FROM OVERSEAS POSTS, INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS SUCH AS THE INTERNATIONAL COMMISSION OF JURISTS, AMNESTY INTERNATIONAL AND FREEDOM HOUSE, REPORTS BY INTERNATIONAL ORGANIZATIONS AND CONGRESSIONAL HEARINGS ON HUMAN RIGHTS HAVE BEEN COMPILED IN A DRAFT HUMAN RIGHTS OBSERVANCE REPORT ON EACH SECURITY ASSISTANCE RECIPIENT COUNTRY. THE DRAFT REPORT ON UPPER VOLTA IS ENCLOSED.

3. THE DRAFT REPORT FOLLOWS A STANDARD FORMAT CALLING FOR A DESCRIPTION OF THE POLITICAL AND LEGAL SITUATION IN THE COUNTRY, A DESCRIPTIVE STATEMENT OF ACTUAL OBSERVANCE OF RIGHTS AND FREEDOMS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WITH SPECIFIC ATTENTION TO MATTERS SPECIFIED IN THE INCLUSION CLAUSE OF PARAGRAPH (D) (1) OF SECTION 502B AS AMENDED, AND A REFLECTION OF OTHER HUMAN RIGHTS REPORTING. THE TEXT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WAS TRANSMITTED TO THE FIELD AS AN ENCLOSURE TO 75 STATE A-1045.

4. THE DRAFT REPORT HAS BEEN PARTIALLY CLEARED IN THE DEPARTMENT AND IS BEING USED INTERNALLY IN THE CURRENT REVIEW OF PROPOSED PROGRAMS FOR FY 1978. BEFORE FINAL CLEARANCE IN THE DEPARTMENT CAN BE OBTAINED FOR THE DRAFT REPORT'S INCLUSION IN THE CPD AS AN UNCLASSIFIED DOCUMENT (WHICH MAY BE PUBLICLY DISCLOSED IF CONGRESS SO CHOOSES), THE DEPARTMENT REQUESTS THE EMBASSY TO CAREFULLY REVIEW, CORRECT, UPDATE AND CLEAR THE DRAFT. (UNTIL THE DRAFT IS CLEARED FOR RELEASE, HOWEVER, IT REMAINS A WORKING DOCUMENT CLASSIFIED CONFIDENTIAL UNDER THE PROVISIONS OF EXECUTIVE ORDER 11652.)

5. IN CONDUCTING ITS REVIEW, THE EMBASSY SHOULD ENSURE THAT THE INFORMATION IN THE DRAFT CONSTITUTES A "FULL AND COMPLETE REPORT -- WITH RESPECT TO PRACTICES CONFIDENTIAL

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REGARDING THE OBSERVANCE OF HUMAN RIGHTS" IN UPPER VOLTA, AS REQUIRED IN SECTION 502B(B) AS AMENDED.

6. REQUESTED ACTION: THE EMBASSY IS REQUESTED TO REVIEW THE FOLLOWING DRAFT AND PROVIDE COMMENTS, SUGGESTED REVISIONS, UPDATING INFORMATION, ADDITIONAL INFORMATION IN SATISFACTION OF THE REQUIREMENTS OF SECTION 502B(B) AS AMENDED, AND CLEARANCE BY TELEGRAM TO REACH THE

DEPARTMENT NO LATER THAN 12/20/76.

7. DRAFT: UPPER VOLTA

I. POLITICAL SITUATION:

UPPER VOLTA WAS PART OF FRENCH WEST AFRICA PRIOR TO INDEPENDENCE IN 1960. THE GOVERNMENT OF UPPER VOLTA, REPUBLICAN IN FORM, HAS A VERY STRONG EXECUTIVE.

THE MILITARY ASSUMED CONTROL IN 1966. POLITICAL ACTIVITY WAS BANNED FOR FOUR YEARS, AFTER WHICH ANOTHER CONSTITUTION WAS APPROVED BY REFERENDUM. THE 1970 CONSTITUTION WAS SUSPENDED ON FEBRUARY 8, 1974, WHEN, IN THE FACE OF VIRTUAL GOVERNMENT PARALYSIS, PRESIDENT LAMIZANA DISSOLVED THE NATIONAL ASSEMBLY AND REORGANIZED THE GOVERNMENTAL STRUCTURE. POLITICAL ACTIVITY WAS AGAIN BANNED AT THAT TIME. SINCE THEN, UPPER VOLTA HAS BEEN RULED BY PRESIDENTIAL DECREE.

THE MILITARY LEADERSHIP OF UPPER VOLTA HAS ANNOUNCED THAT IT PLANS TO RETURN THE COUNTRY TO CIVILIAN RULE IN THE NEAR FUTURE. A NEW CONSTITUTION HAS BEEN DRAFTED, AND A TIMETABLE SUGGESTED FOR RETURN TO CIVILIAN RULE. ACCORDING TO THE PROPOSED TIMETABLE, NATIONAL ELECTIONS WILL BE HELD IN LATE 1977. IT IS EXPECTED THAT THE TWO FORMER POLITICAL PARTIES IN EXISTENCE BEFORE 1974 WILL BE REORGANIZED. ALTHOUGH THESE PROPOSALS HAVE NOT YET BEEN FORMALLY APPROVED BY THE VOLTAN COUNCIL OF MINISTERS, IT IS THE STATED GOAL OF THE GOVERNMENT TO REINSTATE A PARTICIPATORY, CONSTITUTIONAL FORM OF GOVERNMENT IN UPPER VOLTA.

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II. LEGAL SITUATION:

THE FRENCH LEGAL SYSTEM IS THE BASIS FOR THE RULE OF LAW IN UPPER VOLTA. FRENCH CONSTITUTIONAL PRINCIPLES AND DOCTRINES ENJOY WIDE ACCEPTANCE. THE PREAMBLE OF THE 1970 CONSTITUTION (NOW SUSPENDED) PROCLAIMS ALLEGIANCE TO THE UN UNIVERSAL DECLARATION OF HUMAN RIGHTS, AS WELL AS TO THE 1789 FRENCH DECLARATION OF THE RIGHTS OF MAN. FURTHER ARTICLES IN THAT CONSTITUTION SPECIFICALLY GUARANTEED THESE RIGHTS, EXCEPT IN CASES WHERE THE WELFARE OF OTHERS OR THE SECURITY OF THE ENTIRE SOCIETY IS THREATENED. A STRONG, INDEPENDENT JUDICIARY, WHOSE MEMBERS ARE NAMED BY THE EXECUTIVE, SERVES AS GUARANTOR OF HUMAN RIGHTS.

ALTHOUGH PROVISION EXISTS FOR THE DECLARATION OF A

STATE OF EMERGENCY, NONE HAS BEEN INVOKED IN RECENT YEARS. THE RIGHTS TO FREE SPEECH AND ASSOCIATION, EXIST WITHIN THE LIMITS DESCRIBED ABOVE.

III. ACTUAL OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS:

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A. INTEGRITY OF THE PERSON

ARTICLE 3: THE RIGHT TO LIFE, LIBERTY, PROPERTY, AND THE SECURITY OF THE PERSON IS RESPECTED IN UPPER VOLTA. THE HOME IS INVOLABLE, AND A SEARCH WARRANT CAN ONLY BE OBTAINED UNDER CERTAIN PRESCRIBED LEGAL CONDITIONS. DESPITE THE OFFICIAL SUSPENSION OF THE CONSTITUTION IN 1974, THE GOVERNMENT OF UPPER VOLTA HAS CONTINUED TO RESPECT THE PROVISIONS GUARANTEEING HUMAN RIGHTS.

ARTICLE 5: TORTURE, OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DOES NOT APPEAR TO EXIST IN UPPER VOLTA.

ARTICLE 8: ACCESS IS READILY AVAILABLE TO TRIBUNALS FOR REDRESS IN CASES INVOLVING ALLEGED VIOLATIONS OF HUMAN RIGHTS.

ARTICLE 9: THERE IS NO EVIDENCE THAT ANYONE
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HAS BEEN JAILED OR DETAINED WITHOUT TRIAL IN RECENT YEARS.

ARTICLE 10: THE RIGHT TO A FAIR HEARING IS
GENERALLY OBSERVED.

ARTICLE 11: THE RIGHT TO A FAIR TRIAL IS GENER-
ALLY OBSERVED.

B. OTHER IMPORTANT FREEDOMS

ALL INDIVIDUALS ARE EQUAL BEFORE THE LAW IN UPPER VOLTA REGARDLESS OF SEX, RACE, ETHNIC ORIGIN, RELIGION, OR POLITICAL OPINION. ANY DISCRIMINATORY ACT IS SUBJECT TO PUNISHMENT. CERTAIN MEMBERS OF UPPER VOLTA'S CIVILIAN GOVERNMENT WHOSE CIVIL RIGHTS WERE SUSPENDED HAD THEM RESTORED IN 1970. THE RIGHT TO OWN PROPERTY IS GUARANTEED, INCLUDING COMPENSATION FOR THOSE WHOSE PROPERTY IS TAKEN OVER BY THE GOVERNMENT UNDER THE RIGHT OF EMINENT DOMAIN. FREE ENTERPRISE IS PROTECTED. THE RIGHT OF ASSOCIATION AND THE RIGHT TO STRIKE ARE PROTECTED, AND ARE FULLY ENJOYED BY UPPER VOLTA'S ACTIVE TRADE UNIONS. SEVERAL GENERAL STRIKES, OF VARYING SUCCESS, HAVE BEEN

CALLED OVER THE PAST SEVERAL YEARS, AND THE GOVERNMENT
MAINTAINS A CONTINUING DIALOGUE WITH LABOR LEADERS.

IV. OTHER HUMAN RIGHTS REPORTING:

AMNESTY INTERNATIONAL DID NOT INCLUDE UPPER VOLTA IN
EITHER THE ANNUAL REPORT FOR 1974-75 OR 1975-76. FREEDOM
HOUSE LISTS UPPER VOLTA AS "PARTIALLY FREE." KISSINGER

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